

Governor's Office of Homeland Security



FY 2008-09 California Transit Security Grant Program Intercity Passenger Rail/Commuter Rail Systems (CTSGP-IPCR)

Guidelines and Application Kit

October 15, 2008

Arnold Schwarzenegger
Governor
State of California

Matthew R. Bettenhausen
Director
Governor's Office of Homeland Security

John Isaacson
Interim Deputy Director
Grants Management
Governor's Office of Homeland Security

Cindy Barrett
Program Manager
Transit Security Grant Unit
Grants Management Division
Governor's Office of Homeland Security

Jason D. Peery
Program Representative
Transit Security Grant Unit
Grants Management Division

Governor's Office of Homeland Security

Table of Contents

	Page
Section One - Overview	
The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 (Proposition 1B)	4
Transit System Safety, Security and Disaster Response Account	4
Senate Bill 88	4
California Transit Security Grant Program, Intercity Passenger Rail/Commuter Rail Systems	4
Funds Available	5
Eligible Recipient Agencies	5
Eligible Capital Expenditures	5
Ineligible Activities	6
Grant Performance Period	6
General Provisions	6
Project Approval Process	7
Phase 1 - Investment Justifications	7
Phase 2 - Notice of Project Approval	7
Payment Request Process	8
OHS Financial Management Forms Workbook	8
State Contact Information	8
OHS Transit Security Grant Representative	8
OHS Website	8
Access to Federal Emergency Management Agency (FEMA) Preparedness Portal	8
Section 2 - Grantee Timeline	
FY 08-09 CTSGP-IPCR Timeline	9
Section 3 - Key Changes	
Key Changes and State Initiatives	10
Section 4 - Project Funding Plan	
Required Funding Plan Components	11
Document Submittal	11
Governing Body Resolution	12
Grant Assurances	12
Section 5 - Post Award Requirements	
Post Award Modifications	13
Monitoring Grantee Performance	13
Grantee Performance Reports	13
Suspension or Termination	14
Closeout	15
Payment Request Process	15
Section 6 - Appendixes	
A - Investment Justification Template	17
B - Authorized Agent	18
C - Governing Body Resolution	19
D - Grant Assurances	21
E - Performance Report Template	27

Overview

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 (Proposition 1B)

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by the voters as Proposition 1B at the November 07, 2006 general election, authorizes the issuance of nineteen billion nine hundred twenty five million dollars (\$19,925,000,000) in general obligation bonds for specified purposes, including grants for transit system safety, security and disaster response projects.

Transit System Safety, Security and Disaster Response Account

Section 8879.23 of the California Government Code creates the Highway Safety, Traffic Reduction, Air Quality and Port Security Fund of 2006 in the California State Treasury. Section 8879.23 (h) directs that one billion dollars (\$1,000,000,000) be deposited in the Transit System Safety, Security and Disaster Response Account. This section further directs that one hundred million dollars (\$100,000,000) be made available upon appropriation by the legislature for grants to eligible entities for eligible transit system safety, security and disaster response projects.

Senate Bill 88

Senate Bill 88 (SB 88) was signed by the Governor and chaptered into law on August 24, 2007. SB 88 implements the provisions of the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006.

http://leginfo.ca.gov/pub/07-08/bill/sen/sb_0051-0100/sb_88_bill_20070824_chaptered.pdf

California Transit Security Grant Program, Intercity Passenger Rail/Commuter Rail Systems

The program guidelines and application kit provides eligible applicants with the guidance, information and documents necessary to participate in the **California Transit Security Grant Program (CTSGP), Intercity Passenger Rail/Commuter Rail Systems (IPCR)** administered by the Governor's Office of Homeland Security (OHS).

The *Program Guidelines and Application Kit* may be obtained at:

http://www.ohs.ca.gov/grants_prop1B_commuter_rail_2008.html

NOTE: The FY 08-09 CTSGP- IPCR guidance may be modified through the issuance of Grant Management Memos. The **Intercity Passenger Rail/Commuter Rail Systems guidance is a living document and is subject to change.**

As the administrative agency for the CTSGP-IPCR, the Governor's Office of Homeland Security will issue program guidelines, grant management memorandums, conduct grant management workshops, training sessions, meetings and working groups. Information regarding these activities will be communicated to program participants and the public on the OHS website:

<http://www.ohs.ca.gov/index.html>

Funds Available

Funds appropriated for the FY 08-09 California Transit Security Grant Program, Intercity Passenger Rail/Commuter Rail Systems (CTSGP-IPCR) is **fifteen million dollars (\$15,000,000)**.

Eligible Recipient Agencies

The eligible recipients for these funds are set forth in Section 14035 and the commuter rail systems operated by the entities specified in Section 14072 and in Section 99314.1 of the Public Utilities Code.

Eligible Capital Expenditures

Eligible activities include either of the following:

(A) A capital project that provides increased protection against a **security or safety threat**, including, but not limited to the following:

- 1) Construction or renovation projects that are designed to enhance the security of public transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.
- 2) Explosive device mitigation and remediation equipment.
- 3) Chemical, biological, radiological and nuclear explosives search, rescue or response equipment.
- 4) Interoperable communications equipment.
- 5) Physical security enhancement equipment.
- 6) The installation of fencing, barriers, gates or related security enhancements that are designed to improve the physical security of transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.
- 7) Other security related projects approved by OHS.

(B) A capital project that increases the capacity of transit operators to prepare for disaster-response transportation systems that can move people, goods, emergency personnel and equipment in the aftermath of a disaster.

(C) Other allowable cost under California Government Code 16727 (a) include costs incidentally but directly related to construction or acquisition, including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, required mitigation expenses, appraisals, legal expenses, site acquisitions, and necessary easements.

Ineligible Activities

Management and Administration (M&A) cost are not an allowable expense for Proposition 1B funds.

Grant Performance Period

Entities receiving an allocation of funds shall expend those funds within three fiscal years of the fiscal year in which the funds were allocated. Funds allocated during the fiscal year which ends June 30, 2009 shall expend those funds no later than March 31, 2012. Funds remaining unexpended thereafter shall revert to OHS or OES, as applicable, for reallocation in subsequent fiscal years.

General Provisions

OHS will not approve project fund allocations for any project until the recipient agency provides a project funding plan that demonstrates that the funds are expected to be reasonably available and sufficient to complete the project. OHS will approve funding for useable project segments only if the benefits associated with each individual segment are sufficient to meet the objectives of the program from which the individual segment is funded.

The recipient agency must:

- (A) Provide for the audit of project expenditures and outcomes.
- (B) Identify the useful life of the project as part of the project nomination process.
- (C) Identify project delivery milestones, including, but not limited to, start and completion dates for environmental clearance, land acquisition, design, construction bid award, construction completion and project closeout, as applicable.
- (D) Report, on a semiannual basis, on the activities and progress made toward implementation of the project.
- (E) If it is anticipated that project cost will exceed the approved project budget, the recipient agency shall provide a plan to the OHS for achieving the benefits of the project by either down-scoping the project to remain within budget or by identifying an alternative funding source to meet the cost increase. The administrative agency may either approve the corrective plan or direct the recipient agency to modify its plan.
- (F) Within six months of the project becoming operable, the recipient agency shall provide a report to the OHS on the final cost of the project as compared to the approved project budget, the project duration as compared to the original project schedule as of the date of allocation, and performance outcomes derived from the project compared to those described in the original application for funding.

Project Approval Process

Projects submitted for funding will be reviewed and approved in two phases.

Phase 1

Investment Justifications

Eligible applicants may submit Investment Justifications (IJ) no later than November 21, 2008. The Governor's Office of Homeland Security (OHS) will convene a Peer Review Panel (PRP) to evaluate the investment justifications and make recommendations to OHS. OHS will internally review the recommendations of the Peer Review Panel, review funding recommendations, and make final funding decisions.

The Investment Justifications (IJ) must be submitted on the template (Appendix A). The IJ will include the following sections:

- (A) Project Name
- (B) Project Description and Deliverables (must illustrate physical components of the project)
 - 1) Proposed schedule for the project's completion.
- (C) Project Justification
 - 1) How project reduces identified vulnerabilities and buys down risk.
 - 2) The impact of not funding the project.
 - 3) How will this project assist emergency response or increase protection against a security threat?
- (D) Project Full Cost or Budget (include scalability options, if applicable)
 - 1) Identify all nonbond sources of funding committed to the project.
- (E) The useful life of the project shall not be less than the required useful life for capital assets specified in Subdivision (a) of Section 16727.
 - 1) Identify the useful life of the project.

Phase 2

Notice of Project Approval

Upon final project approval, recipient agencies will receive a formal notice of approval from the OHS. The notice of approval will include project milestones, audit requirements, program monitoring requirements, reporting requirements and direction to complete the OHS Financial Management Forms Workbook (FMFW). This can be found at: http://www.ohs.ca.gov/grants_fiscal_reporting.html.

Payment Request Process

To request reimbursement payment of FY 08-09 CTSGP-IRCP funds, complete a payment request form using the OHS Financial Management Forms Workbook (FMFW) and return it to the appropriate Program Representative in the Transit Security Grant Unit at the Governor's Office of Homeland Security.

OHS Financial Management Forms Workbook

http://www.ohs.ca.gov/grants_fiscal_reporting.html

NOTE: Payments can only be made if the grantee has an approved application, valid Authorized Agent form, valid Governing Body Resolution form, and valid Grant Assurances form.

State Contact Information

All grantee application materials, related questions, comments and correspondence should be directed to the address below.

Governor's Office of Homeland Security
ATTN: Transit Security Grant Unit
State Capitol, Sacramento, CA 95814-4900
(916) 324-8908 Phone
(916) 324-5902 Fax

OHS Transit Security Grant Representative

Jason D. Peery, Program Representative
jason.peery@ohs.ca.gov or (916) 324-5947

OHS Regional Program Representatives may be located on the Transit Security Grant Program - Regional Representative Contact map at: http://www.ohs.ca.gov/grants_transit_security.html

OHS Website

Governor's Office of Homeland Security Website
<http://www.ohs.ca.gov>

Access to Federal Emergency Management Agency (FEMA) Preparedness Portal

FEMA Preparedness Portal
<https://preparednessportal.dhs.gov>

To obtain access to the FEMA Preparedness Portal please contact Bj Bjornson, Secure Portal Administrator, Office of Homeland Security, Training and Exercise Program (T&E) at: bj.bjornson@ohs.ca.gov or (916) 826-4488.

Grantee Timeline

FY 08-09 CTSGP-IPCR Timeline

Draft Guidelines and Application Kit issued	September 04, 2008
Public Meeting	October 03, 2008
Final Guidelines and Application Kit issued	October 15, 2008
Investment Justification submittal period begins	October 17, 2008
Investment Justification submittal period ends	November 21, 2008
Peer Review Panel (PRP) meeting	November 21, 2008
Project Selection	December 05, 2008
OHS Financial Management Form Workbook submittal period begins	December 05, 2008
OHS Financial Management Form Workbook submittal period ends	December 19, 2008
FY 08-09 Grantee Performance Period ends	March 31, 2012

Key Changes and State Initiatives

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Project Funding Plan

Required Funding Plan Components

A completed project funding plan will include all of the following:

- 1) **Completed OHS Financial Management Forms Workbook**
 - a. Submitted electronically per uploading instructions on the FEMA Preparedness Portal:
 - i. Application Cover Sheet.
 - ii. Grant Management Roster.
 - iii. Project Ledger.
 - iv. Project Description.
 - v. Projects - A thru T as needed.
 1. Investment Justification - Goals and Objectives.
 2. Project Description.
 - vi. Equipment Inventory Ledger.
 - vii. Authorized Agent (AA) form with appropriate signatures.
- 2) **Authorized Agent Form - Mailed**
 - a. Signed by Authorized Agent (AA).
- 3) **Governing Body Resolution Form – Mailed**
 - a. Signed by Governing Body.
- 4) **Signed Original Grant Assurances - Mailed**
 - a. Signed by Authorized Agent (AA).

The **Financial Management Forms Workbook** can be found at:
http://www.ohs.ca.gov/grants_fiscal_reporting.html

Document Submittal

Completed Investment Justification funding plans and Financial Management Forms Workbook materials are accepted on a continuous basis. Additional information will be requested or accepted from the grantee at the sole discretion of the OHS.

Completed Investment Justification funding plans must be submitted electronically to the FEMA Preparedness Portal under FY 08-09 TSGP in the Prop 1B 15% - Investment Justifications folder. All documents requiring original signatures must be mailed to the OHS address.

Completed Financial Management Forms Workbook materials must be submitted electronically to the FEMA Preparedness Portal under FY 08-09 TSGP in the Prop 1B 15% - Workbooks folder. All documents requiring original signatures must be mailed to the OHS address.

The mailing address for all applications is:

Governor's Office of Homeland Security
ATTN: Transit Security Grant Unit
State Capitol, Sacramento, CA 95814

FEMA Preparedness Portal

<https://preparednessportal.dhs.gov>

Governing Body Resolution

The Governing Body Resolution appoints agents authorized to execute any actions necessary for each application and grant.

Note: All applicants will be required to submit a new Governing Body Resolution with the FY 08-09 CTSGP-IPCR Investment Justification. A sample resolution is in the guidance (Appendix E).

Grant Assurances

The Grant Assurances form lists the requirements to which the grantee will be held accountable.

Important Note: Self-created grant assurances forms will not be accepted.

Post-Award Requirements

Post Award Modifications

Post-award budget scope and time modifications must be requested using the **OHS Financial Management Forms Workbook**, by the grantee's Authorized Agent, and submitted to the grantee's Program Representative in the Transit Security Grant Unit at the Governor's Office of Homeland Security. The grantee may implement the modifications, and incur associated expenses, **after** receiving **written final approval** of the modification from OHS.

NOTE: Modifications can be requested once per quarter during the grant performance period. Failure to submit modification requests, and receive written approval prior to expenditure could result in a reduction or disallowance of a cost incurred by the recipient agency.

Monitoring Grantee Performance

The state conducts regular grantee monitoring and site visits. The monitoring and site visits will be conducted on the grantees' administrative, programmatic and fiscal management of the grants.

These reviews may include, but are not limited to, the following:

- 1) Eligibility of expenditures.
- 2) Comparing actual grantee activities to those approved in the grant application and subsequent modifications, if any.
- 3) Confirming compliance with:
 - a. Grant Assurances.
 - b. Information provided on the performance reports and payment requests.
 - c. Needs and threat assessments and strategies.

Important Note

It is the responsibility of all grantees to monitor and audit the grant activities of their subrecipients. This requirement includes, but is not limited, to onsite verification of grant activities as required.

Grantee Performance Reports

Twice a year, grantees must prepare and submit performance reports (Appendix E) to the Governor's Office of Homeland Security (OHS), Transit Security Grant Unit, for the duration of the grant performance period, or until all grant activities are completed and the grant is formally closed. The required form is attached to this guidance (Appendix E). Grantees must complete and submit the required reports using the FEMA Preparedness Portal at: <https://preparednessportal.dhs.gov>.

Due Dates

Performance reports will be due to OHS on June 30 and December 31.

Final Project Report

Within six months of a project becoming operable, the recipient agency shall provide a report to OHS comparing the final cost of the project to the approved project budget, the project duration as compared to the original project schedule from the date of allocation, and performance outcomes derived from the project compared to those described in the original application for funding.

Suspension or Termination

The state may suspend or terminate grant funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- 1) Failing to expend funds in a timely manner consistent with the grant milestones, guidance, and assurances.
- 2) Failing to comply with the requirements or statutory objectives of state law.
- 3) Failing to make satisfactory progress toward the goals or objectives of state law.
- 4) Failing to make satisfactory progress toward the goals or objectives set forth in the grant application.
- 5) Failing to follow grant agreement requirements or special conditions.
- 6) Proposing or implementing substantial plan changes to the extent that, if originally submitted, the proposed project would not have been approved for funding.
- 7) Failing to submit required reports.
- 8) Filing a false certification in the application or other report or document.
- 9) Failing to adequately manage, monitor, or direct the grant funding activities of their subrecipients.

Before taking action, the state will provide the grantee reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally.

Closeout

The state will close a grantee's award after:

- (A) Reviewing a grantee's Final Report (Appendix E) indicating that all approved work has been completed, and all funds have been disbursed.
- (B) Completing a review to confirm the accuracy of reported information.
- (C) Report reconciling actual costs to awards, modifications, and payments.
- (D) Reconciling actual costs to awards, modifications, and payments.

Reconciliation indicates that the grantee:

- 1) If the grantee is owed additional funds, the state will send the final payment automatically to the grantee.
- 2) Did not use all funds received, the state will issue an Invoice or Grant Modification Letter to recover unused funds.

In the **Grant Closeout Letter**, the state will notify the grantee of the start of the record retention period for all programmatic and financial grant-related records.

Note: Failure to maintain all grant records for the required retention period could result in a reduction of eligible grant activities, and an invoice to return costs associated with the unsupported activities.

Payment Request Process

To request reimbursement payment of FY 08-09 CTSGP-IPCR funds, complete a payment request form using the OHS Financial Management Forms Workbook (FMFW) and return it to the appropriate Program Representative in the Transit Security Grant Unit (TSGU) at the Governor's Office of Homeland Security.

OHS Financial Management Forms Workbook

http://www.ohs.ca.gov/grants_fiscal_reporting.html

Note: Payments can only be made if the grantee has an approved application and valid Grant Assurances form.

Appendixes

Appendix	Document
A	Investment Justification Template
B	Authorized Agent
C	Governing Body Resolution
D	Grant Assurances
E	Performance Report Template

Appendix A
Investment Justification Template
FY 08-09 Transit System Safety, Security and
Disaster Response Account Program
(Required Font - New Times Roman - 10)

A) Project Name

B) Project Description and Deliverables (must illustrate physical components of the project)

- Proposed schedule for the project's completion.

C) Project Justification

- How the project reduces identified vulnerabilities and buys down risk.

- The impact of not funding the project.

- How will this project assist emergency response or increase protection against a security or safety threat?

D) Project Full Cost or Budget (include scalability options, if applicable)

- Identify all nonbond sources of funding committed to the project.

E) The useful life of the project shall not be less than the required useful life for capital assets

- Identify the useful life of the project.

Appendix B
Authorized Agent
FY 08-09 Transit System Safety, Security and
Disaster Response Account Program

AS THE _____
(Chief Executive Officer / Director / President / Secretary)

OF THE _____
(Name of State Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named State Organization, any actions necessary for the purpose of obtaining state financial assistance provided by the Governor's Office of Homeland Security.

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____.
(Name or Title of Authorized Agent)

Signed by _____ *and*
approved this _____ *day of* _____, 20____.

Appendix C
Governing Body Resolution
FY 08-09 Transit System Safety, Security and
Disaster Response Account Program

BE IT RESOLVED BY THE _____
(Governing Body)

OF THE _____ *THAT*
(Name of Applicant)

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____,
(Name or Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining financial assistance provided by the Governor's Office of Homeland Security.

Passed and approved this _____ day of _____, 20_____

Certification

I, _____, duly appointed and
(Name)

_____ of the _____
(Title) (Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the
(Governing body) (Name of Applicant)

_____ day of, _____, 20_____ .

(Official Position)

(Signature)

(Date)

Appendix C
Instruction Sheet for the Governing Body Resolution
FY 08-09 Transit System Safety, Security and
Disaster Response Account Program

Purpose The purpose of the Governing Body Resolution is to inform the governing body of the intention to enter into the grant, document their understanding of the responsibilities of the grant and to appoint individuals to act on behalf of the governing body and the applicant.

Authorized Agent(s) The Governing Body Resolution allows for the appointment of individuals or positions. For each person or position appointed by the governing body, submit the following information, with the resolution, to the state on the applicant's letterhead:

- | | |
|---|--|
| <input type="checkbox"/> Recipient Agency | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Grant Program | <input type="checkbox"/> Fax Number |
| <input type="checkbox"/> Name | <input type="checkbox"/> Cell Phone Number |
| <input type="checkbox"/> Title | <input type="checkbox"/> E-Mail Address |
| <input type="checkbox"/> Address | |
| <input type="checkbox"/> City | |
| <input type="checkbox"/> Zip Code | |
-

- Authorized Agent Changes**
- If the Governing Body Resolution identifies Authorized Agents by position and/or title, changes can be made by submitting new Authorized Agent information to the state.
 - If the Governing Body Resolution identifies Authorized Agents by name, a new Resolution is needed when any changes are made. The information listed above must also be submitted with the new Resolution.

Appendix D
Grant Assurances
FY 08-09 Transit System Safety, Security and
Disaster Response Account Program

Grant Assurances
(All Applicants)

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (____) _____

Fax Number: (____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Office of Homeland Security (OHS).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the State of California generally and OHS in particular, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or OHS directives.
4. Will provide progress reports and such other information as may be required by OHS.
5. Will initiate and complete the work within the applicable time frame after receipt of OHS approval.

6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.
7. Will comply with all California and federal statutes relating to nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. § 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
 - j. Title 28, CFR, Part 35;
 - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

9. Will comply with applicable environmental standards which may be prescribed pursuant to California or Federal law. These may include, but are not limited to, the following:
 - a. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Sections 15000-15007;
 - b. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
 - c. notification of violating facilities pursuant to EO 11738;
 - d. protection of wetlands pursuant to EO 11990;
 - e. evaluation of flood hazards in floodplains in accordance with EO 11988;
 - f. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
 - g. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
 - h. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
 - i. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
11. Will assist OHS, as appropriate, in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et seq.).
12. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Gov Code §§ 8607 et seq. and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
13. Will:
 - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by OHS;
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
 - c. Separately account for interest earned on grant funds, and use all interest towards the project as approved by OHS.

14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
15. Agrees that equipment acquired or obtained with grant funds:
 - a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy; and
 - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
16. Will comply, as applicable, with provisions of Title 28 of the Code of Federal Regulations applicable to grants and cooperative agreements, including:
 - a. Part 18, Administrative Review Procedures;
 - b. Part 20, Criminal Justice Information Systems;
 - c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
 - d. Part 23, Criminal Intelligence Systems Operating Policies;
 - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
 - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
 - g. Part 38, Equal Treatment of Faith-based Organizations;
 - h. Part 63, Floodplain Management and Wetland Protection Procedures;
 - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
 - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
 - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs;
 - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
 - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement);
 - n. Part 69, New Restrictions on Lobbying;
 - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and
 - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).

17. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
18. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to OHS.
19. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
20. Will comply with all applicable requirements of all other California and Federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
21. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
 - a. The applicant certifies that it and its principals:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
 - b. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: _____

Title: _____ Date: _____

Appendix E
Performance Report Template
FY 08-09 Transit System Safety, Security and
Disaster Response Account Program

Date:

Grant ID Number:

OES ID Number:

Recipient Agency:

Project Name:

Performance Period:

Notification of Grant Award Date:

Anticipated Completion Date:

Milestones - Insert milestones from grant award letter - detail progress made toward meeting milestone.

1)

2)

3)

4)

5)

6)

Signature of Authorized Agent

Date

Name:

Title:

Phone:

Email: